

(over 2 ha)

**STANDARD MODIFICATION
M 78**

08/15/01

Delete Section 641 in its entirety and substitute the following:

SECTION 641

EROSION, SEDIMENT, AND POLLUTION CONTROL

641-1.01 DESCRIPTION. This work consists of planning, providing, inspecting and maintaining control of erosion, sedimentation, water pollution and hazardous materials contamination.

641-1.02 DEFINITIONS.

1. BMP (Best Management Practices). A wide range of project management practices, schedules, activities, or prohibition of practices, that when used alone or in combination, prevent or reduce erosion, sedimentation, and/or pollution of adjacent water bodies and wetlands. BMP include temporary or permanent structural and non-structural devices and practices. The Department describes common BMP in its *Alaska Storm Water Pollution Prevention Plan Guide*.
2. ESCP (Erosion and Sediment Control Plan). The general plan for control of project-related erosion and sedimentation. The ESCP normally consists of a general narrative and a map or site plan. It is developed by the Department and included in the project plans and specifications. It serves as a resource for bid estimation and a framework from which the Contractor develops the project SWPPP.
3. Final Stabilization. A point in time when all ground-disturbing activities are complete and permanent erosion and sediment controls are established and functional. The stabilized site is protected from erosive forces of raindrop impact and water flow. Typically, all unpaved areas except graveled shoulders, crushed aggregate base course, or other areas not covered by permanent structures are protected by either a uniform blanket of perennial vegetation (at least 70% cover density) or equivalent permanent stabilization measures such as riprap, gabions or geotextiles.
4. HMCP (Hazardous Material Control Plan). The Contractor's detailed plan for prevention of pollution that stems from the use, containment, cleanup, and disposal of hazardous material, including petroleum products generated by construction activities and equipment.
5. NOI. Notice of Intent to commence ground-disturbing activities under the NPDES General Permit.
6. NOT. Notice of Termination of coverage under the NPDES General Permit.
7. NPDES General Permit. The General Permit for Stormwater Discharges from Construction Activities, issued by the Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES). It requires a SWPPP prior to ground-disturbing activities for the project.
8. SWPPP (Storm Water Pollution Prevention Plan). The Contractor's plan for erosion and sediment control and storm water management under the NPDES General Permit. The SWPPP is developed by the Contractor and describes site-specific controls and management of issues identified for the project. The approved SWPPP replaces the ESCP.

641-1.03 SUBMITTALS. Submit 3 copies each of your SWPPP and HMCP for approval no less than 5 calendar days prior to the preconstruction conference.

(over 2 ha)

The Department will review the above submittals within 14 calendar days. Submittals that do not meet Department approval will be returned to you for modification.

The approved SWPPP must be signed by you and the Engineer in accordance with the NPDES General Permit.

Submit your signed NOI (use EPA Form 3510-9) to the Engineer no later than 10 working days before you intend to commence ground-disturbing activities.

The approved SWPPP and HMCP become the basis of the work required for the project erosion, sediment and pollution control.

641-2.01 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS. Use the Department's ESCP to develop a SWPPP based on your scheduling, equipment, and use of alternative BMP. Follow the format presented in the *Alaska Storm Water Pollution Prevention Plan Guide*, for projects disturbing over 2 hectares. The plan must consider first preventing erosion, then minimizing erosion, and finally trapping sediment before it enters waterways.

The plan must address your site-specific controls and management plan for the construction site as well as for all material sites, waste disposal sites, haul roads, and other affected areas, public or private. The plan must also incorporate all the requirements of the Project permits.

Have the SWPPP prepared under the direction of and sealed by a professional engineer currently registered in the State of Alaska. Include all requirements of the NPDES General Permit.

641-2.02 HAZARDOUS MATERIAL CONTROL PLAN (HMCP) REQUIREMENTS. Prepare a HMCP for the handling, storage, cleanup, and disposal of petroleum products and other hazardous substances. (See 40 CFR 117 and 302 for listing of hazardous materials.)

List and give the location of all hazardous materials, including office materials, to be used and/or stored on site, and their estimated quantities. Detail your plan for storing these materials as well as disposing of waste petroleum products and other hazardous materials generated by the project.

Identify the locations where fueling and maintenance activities will take place, describe the maintenance activities, and list all controls to prevent the accidental spillage of petroleum products and other hazardous materials.

Detail your procedures for containment and cleanup of hazardous substances, including a list of the types and quantities of equipment and materials available on site to be used.

Detail your plan for the prevention, containment, cleanup and disposal of soil and water contaminated by accidental spills. Detail your plan for dealing with unexpected contaminated soil and water encountered during construction.

Specify the line of authority and designate your field representative for spill response and one representative for each subcontractor.

641-3.01 CONSTRUCTION REQUIREMENTS.

Do not begin ground-disturbing work until you are notified by the Engineer that 48 hours have passed since the NOIs were mailed to the EPA and DEC.

Post at the construction site, the

1. NPDES Permit number, if available, and a copy of the NOI,
2. name and phone number of your local contact person, and
3. location of a SWPPP available for viewing by the public.

(over 2 ha)

Comply with all requirements of the NPDES General Permit, implement all temporary and permanent erosion and sediment control measures identified in the SWPPP, and ensure that the SWPPP remains current.

Maintain all temporary and permanent erosion and sediment control measures in effective operating condition.

Comply with all requirements of the approved HMCP and all state and federal regulations which pertain to the handling, storage, cleanup, and disposal of petroleum products or other hazardous substances. Contain, clean up, and dispose of all discharges of petroleum products and/or other materials hazardous to the land, air, water, and organic life forms. Perform all fueling operations in a safe and environmentally responsible manner. Comply with the requirements of 18 AAC 75 and AS 46, Oil and Hazardous Substances Pollution Control.

Perform inspections and prepare inspection reports in compliance with the project SWPPP and the NPDES General Permit.

1. Joint Inspections. Prior to start of construction conduct a joint on-site inspection with the Engineer and the professional engineer who stamped the SWPPP to discuss the implementation of the SWPPP.

Conduct the following additional joint on-site inspections with the Engineer:

- a. During construction, inspect the following at least once every 7 calendar days and within 24 hours of the end of a storm event exceeding 13 mm in 24 hours (as recorded at or near the project site).
 - (1) Disturbed areas that have not been finally stabilized.
 - (2) Areas used for storage of erodible materials that are exposed to precipitation.
 - (3) Sediment and erosion control measures.
 - (4) Locations where vehicles enter or exit the site.
 - b. Prior to winter shutdown, to ensure that the site has been adequately stabilized and devices are functional.
 - c. At project completion, to ensure final stabilization of the project.
2. Winter Inspections. During winter shutdown, conduct inspections at least once every month and within 24 hours of a storm resulting in rainfall of 13 mm or greater. Monthly inspection requirements may be waived by the Engineer until one month before thawing conditions are expected to result in a discharge, if all of the following requirements are met:
 - a. Below-freezing conditions are anticipated to continue for more than one month.
 - b. Land disturbance activities have been suspended.
 - c. The beginning and ending dates of the waiver period are documented in the SWPPP.
3. Inspection Reports. Prepare and submit, within 3 calendar days of each inspection, a report with the following information:
 - a. A summary of the scope of the inspection.
 - b. Name(s) of personnel making the inspection.
 - c. The date of the inspection.
 - d. Observations relating to the implementation of the SWPPP.
 - e. Any actions taken as the result of the inspection.
 - f. Incidents of non-compliance.

(over 2 ha)

Where a report does not identify any incidents of non-compliance, include certification that the facility is in compliance with the SWPPP and NPDES General Permit. Sign the report in accordance with Part VI. Standard Permit Conditions of the NPDES General Permit. All certifications shall be included as an appendix to the SWPPP.

Retain copies of the SWPPP, and all other records required by the NPDES General Permit, for at least 3 years from the date of final stabilization.

If unanticipated or emergency conditions threaten water quality, take immediate suitable action to preclude erosion and pollution.

Submit amendments to the SWPPP, to correct problems identified as a result of any

1. storm event or other circumstance that threatens water quality, and
2. inspection which identifies existing or potential problems.

Submit SWPPP amendments to the Engineer, within 7 calendar days following the storm event or inspection. Detail additional emergency measures required and taken, to include additional or modified measures. If modifications to existing measures are necessary, complete implementation within 7 days.

Stabilize all areas disturbed after the seeding deadline within 7 calendar days of the temporary or permanent cessation of ground-disturbing activities.

Submit a signed NOT (use EPA Form 3510-7) to the Engineer

1. when the project site (including all material sources, disposal sites, etc.) has been finally stabilized and all storm water discharges from construction activities authorized by this permit have ceased, or
2. when the construction activity Operator (as defined in the NPDES General Permit) has changed.

If you fail to coordinate temporary or permanent stabilization measures with the earthwork operations in a manner to effectively control erosion and prevent water pollution, the Engineer may suspend your earthwork operations and withhold monies due on current estimates for such earthwork items until all aspects of the work are coordinated in a satisfactory manner.

If you fail to:

1. pursue work required by the approved SWPPP,
2. respond to inspection recommendations and/or deficiencies in the SWPPP, or
3. implement erosion and sedimentation controls identified by the Engineer,

the Engineer may, after giving you written notice, proceed to perform such work and deduct the cost thereof, including project engineering costs, from your progress payments.

641-4.01 METHOD OF MEASUREMENT. Items 641(1) and 641(3) will not be measured for payment.

Items 641(2) and (4) will be measured as specified in the Contract or Directive authorizing the work.

641-5.01 BASIS OF PAYMENT. The Bid Schedule will include either items 641(1) and (2) or items 641(1), (3), and (4)

1. Item 641(1) Erosion and Pollution Control Administration. At the contract lump sum price for administration of all work under this section. Includes, but is not limited to, plan preparation, plan amendments and updates, inspections, monitoring, reporting and record keeping.

(over 2 ha)

2. Item 641(2) Temporary Erosion and Pollution Control. At the prices specified in the Contract to install and maintain all temporary erosion, sedimentation, and pollution control measures.
3. Item 641(3) Temporary Erosion and Pollution Control. At the lump sum price shown on the bid schedule to install and maintain temporary erosion, sedimentation, and pollution control measures in accordance with the original approved SWPPP and HMCP.
4. Item 641(4) Temporary Erosion and Pollution Control Amendments. At the prices specified in the Directive for extra, additional, or unanticipated work to install and maintain temporary erosion, sedimentation, and pollution control measures. All work paid under this Item shall be shown as amendments to the original approved SWPPP or HMCP.

Temporary erosion and pollution control measures that are required at Contractor-furnished sites are subsidiary.

Perform temporary erosion and pollution control measures that are required due to your negligence, carelessness, or failure to install permanent controls as a part of the work as scheduled or ordered by the Engineer, or for your convenience, at your own expense.

Permanent erosion and pollution control measures will be measured and paid for under other contract items, when shown on the bid schedule.

Payment will be made under:

PAY ITEM	PAY UNIT
641(1) Erosion and Pollution Control Administration	Lump Sum
641(2) Temporary Erosion and Pollution Control	Contingent Sum
641(3) Temporary Erosion and Pollution Control	Lump Sum
641(4) Temporary Erosion and Pollution Control Amendments	Contingent Sum